THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No.15973 OF 2005

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Dated :26.07.2005

Between:

Zafar Thakur, S/o. Sri Kassam Thakur.

.. Petitioner.

AND

1. National Highways Authority of India (NHAI),

   Ministry of Road Transport and Highway G-5 & 6,

   Sector 10, Dwaraka,

   New Delhi-110 045, represented by its General Manager (Chennai Kolkata Operations) and others.

   ..Respondents.

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.15973 OF 2005

ORDER:

The grievance of the petitioner in this Writ Petition is that the 500 KVA capacity diesel generator set belonging to the sister concern of the petitioner, which was hired to the third respondent, has been taken possession of by the first respondent along with other assets belonging to the third respondent. The petitioner contends that despite his having submitted a representation, the first respondent has neither chosen to release the 500 KVA capacity diesel generator set nor has it given any

reply to his representation.

Learned counsel for the petitioner relies on an interlocutory Order passed by the Delhi High Court in O.M.P.No.342 of 2004 and I.A.Nos.973 and 950 of 2005 dated 04.04.2005 in the case of National Highways Authority of India V.M/s. You One Maharia (JV) and Others in support of his contention that the first respondent is not entitled to take possession of the diesel generator set belonging to the sister concern of the petitioner. The orders of the Delhi High Court in OMP.No.342 of 2004 and Interlocutory Application Nos.973 and 950 of 2005 dated 4.4.2005 arose in proceedings initiated under the original jurisdiction of the Delhi High Court and not in proceedings under Article 226 of the Constitution of India. These are all matters which are not, normally, entertained in writ proceedings under Article 226 of the Constitution of India and the remedy of the petitioner, if any, is to approach the Civil Court of competent jurisdiction.

The Writ Petition as filed is mis-conceived and is accordingly dismissed. No order as to costs.

(RAMESH RANGANATHAN, J)

Dt: 26.07.2005

bsv/lvl